

**FILED**

AUG 21 2015

Clerk, U S District Court  
District Of Montana  
Billings

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**LORI HARPER SUEK**  
**JOSEPH E. THAGGARD**  
**JOHN D. SULLIVAN**  
Assistant U.S. Attorneys  
U.S. Attorney's Office  
James F. Battin U.S. Courthouse  
2601 Second Ave. North, Suite 3200  
Billings, MT 59101  
Phone: (406) 657-6101  
FAX: (406) 657-6989  
E-mail: Lori.Suek@usdoj.gov  
Joseph.Thaggard@usdoj.gov  
John.Sullivan2@usdoj.gov

**ATTORNEYS FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JESUS YEIZON DENIZ**  
**MENDOZA,**

**Defendant.**

**CR 15-93-BLG-SPW**

**SUPERSEDING INDICTMENT**

**FIRST DEGREE MURDER**  
**(Counts I and III)**  
**Title 18 U.S.C. §§ 1152 and 1111(a)**  
**(Penalty: Death or mandatory life**  
**imprisonment, \$250,000 fine, and five**  
**years supervised release)**

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**USE OF A FIREARM DURING AND IN  
RELATION TO CRIMES OF  
VIOLENCE**

**(Counts II, IV, VI, and VII)**

**Title 18 U.S.C. § 924(c)(1)(A) and (j)(1)**

**(Penalty for first offense: Death, life imprisonment, or imprisonment for any term of years, but not less than a mandatory minimum term of at least ten years consecutive to any other term of imprisonment, as well as a \$250,000 fine and five years supervised release.**

**Penalty for second or subsequent conviction: Death, life imprisonment, or imprisonment for any term of years, but not less than a mandatory minimum term of at least 25 years consecutive to any other term of imprisonment, as well as a \$250,000 fine and five years supervised release)**

**ROBBERY INVOLVING A MOTOR  
VEHICLE (CARJACKING)**

**(Count V)**

**Title 18 U.S.C. § 2119**

**(Penalty: Death or life imprisonment, \$250,000 fine, and three years supervised release)**

**ASSAULT WITH INTENT TO COMMIT  
MURDER**

**(Count VIII)**

**Title 18 U.S.C. §§ 1152 and 113(a)(1)**

**(Penalty: 20 years imprisonment, \$250,000 fine, and three years supervised release)**

**ASSAULT WITH A DANGEROUS  
WEAPON**

**(Counts IX and XII)**

**Title 18 U.S.C. §§ 1152 and 113(a)(3)**

**(Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release)**

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	<p><b>ASSAULT RESULTING IN SERIOUS BODILY INJURY</b>  <b>(Count X)</b>  <b>Title 18 U.S.C. §§ 1152 and 113(a)(6)</b>  <b>(Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release)</b></p> <p><b>USE OF A FIREARM DURING AND IN RELATION TO CRIMES OF VIOLENCE</b>  <b>(Counts XI)</b>  <b>Title 18 U.S.C. § 924(c)(1)(A)</b>  <b>(Penalty: Mandatory minimum 25 years to life imprisonment consecutive to any other term of imprisonment, \$250,000 fine, and five years supervised release)</b></p>
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**THE GRAND JURY CHARGES:**

**COUNT I**

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, and within the boundaries of the Crow Indian Reservation, being Indian country, the defendant, JESUS YEIZON DENIZ MENDOZA, unlawfully killed J.S., an Indian person, with malice aforethought and premeditation, in violation of 18 U.S.C. §§ 1152 and 1111(a).

**COUNT II**

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, the defendant, JESUS YEIZON DENIZ MENDOZA, knowingly used a firearm, a Marlin, Model 60, .22 caliber semi-automatic rifle, serial number

04187304, during and in relation to the violent crime charged in count I, a crime that may be prosecuted in a court of the United States and, in the course of the offense, caused the death of J.S. through the use of the firearm, and the killing was a murder, as defined in 18 U.S.C. § 1111(a), all in violation of 18 U.S.C. § 924(c)(1)(A) and (j)(1).

The Grand Jury further alleges that the firearm was discharged during the commission of the offense.

### COUNT III

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, and within the boundaries of the Crow Indian Reservation, being Indian country, the defendant, JESUS YEIZON DENIZ MENDOZA, unlawfully killed T.S., an Indian person, with malice aforethought and premeditation, in violation of 18 U.S.C. §§ 1152 and 1111(a).

### COUNT IV

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, the defendant, JESUS YEIZON DENIZ MENDOZA, knowingly used a firearm, a Marlin, Model 60, .22 caliber semi-automatic rifle, serial number 04187304, during and in relation to the violent crime charged in count III, a crime that may be prosecuted in a court of the United States and, in the course of the offense, caused the death of T.S. through the use of the firearm, and the killing was a

murder, as defined in 18 U.S.C. § 1111(a), all in violation of 18 U.S.C.

§ 924(c)(1)(A) and (j)(1).

The Grand Jury further alleges that the firearm was discharged during the commission of the offense.

#### COUNT V

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, the defendant, JESUS YEIZON DENIZ MENDOZA, with the intent to cause death and serious bodily harm, knowingly used force, violence, and intimidation to take from the persons and presence of J.S., T.S., and J.B.S., a motor vehicle, a 2006 Pontiac G6 sedan, Montana license plate 22-3845B, that had been shipped, transported, and received in interstate commerce, resulting in the deaths of J.S. and T.S., in violation of 18 U.S.C. § 2119.

#### COUNT VI

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, the defendant JESUS YEIZON DENIZ MENDOZA, knowingly used a firearm, a Marlin, Model 60, .22 caliber semi-automatic rifle, serial number 04187304, during and in relation to the violent crime charged in count V, a crime that may be prosecuted in a court of the United States and, in the course of the offense, caused the death of J.S. through the use of the firearm, and the killing was murder, as defined in 18 U.S.C. § 1111(a), all in violation of 18 U.S.C.

§ 924(c)(1)(A) and (j)(1).

The Grand Jury further alleges that the firearm was discharged during the commission of the offense.

#### COUNT VII

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, the defendant JESUS YEIZON DENIZ MENDOZA, knowingly used a firearm, a Marlin, Model 60, .22 caliber semi-automatic rifle, serial number 04187304, during and in relation to the violent crime charged in count V, a crime that may be prosecuted in a court of the United States and, in the course of the offense, caused the death of T.S. through the use of the firearm, and the killing was murder, as defined in 18 U.S.C. § 1111(a), all in violation of 18 U.S.C.

§ 924(c)(1)(A) and (j)(1).

The Grand Jury further alleges that the firearm was discharged during the commission of the offense.

#### COUNT VIII

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, and within the boundaries of the Crow Indian Reservation, being Indian country, the defendant, JESUS YEIZON DENIZ MENDOZA, intentionally assaulted J.B.S., an Indian person, with the intent to commit murder, in violation of 18 U.S.C. §§ 1152 and 113(a)(1).

### COUNT IX

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, and within the boundaries of the Crow Indian Reservation, being Indian country, the defendant, JESUS YEIZON DENIZ MENDOZA, intentionally assaulted J.B.S., an Indian person, with a dangerous weapon, a rifle, with the intent to commit bodily harm, in violation of 18 U.S.C. §§ 1152 and 113(a)(3).

### COUNT X

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, and within the boundaries of the Crow Indian Reservation, being Indian country, the defendant, JESUS YEIZON DENIZ MENDOZA, intentionally assaulted J.B.S., an Indian person, resulting in serious bodily injury, in violation of 18 U.S.C. §§ 1152 and 113(a)(6).

### COUNT XI

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, the defendant, JESUS YEIZON DENIZ MENDOZA, knowingly used a firearm, a Marlin, Model 60, .22 caliber semi-automatic rifle, serial number 04187304, during and in relation to the violent crimes charged in counts VIII, IX, and X, crimes that may be prosecuted in a court of the United States, in violation of 18 U.S.C. § 924(c)(1)(A).

The Grand Jury further alleges that the firearm was discharged during the commission of the offenses.

## COUNT XII

On or about July 29, 2015, on Pryor Gap Road, in the State and District of Montana, and within the boundaries of the Crow Indian Reservation, being Indian country, the defendant, JESUS YEIZON DENIZ MENDOZA, intentionally assaulted J.L.P.O.T. and F.P.B., Indian persons, with a dangerous weapon, a rifle, with the intent to commit bodily harm, in violation of 18 U.S.C. §§ 1152 and 113(a)(3).

## NOTICE OF SPECIAL FINDINGS

A. The Grand Jury realleges and incorporates by reference the allegations in counts I through VII as if fully set forth herein. The Grand Jury further alleges that the defendant, JESUS YEIZON DENIZ MENDOZA, with respect to the counts specified after each allegation:

1. was 18 years of age or older at the time of the offenses (18 U.S.C. § 3591(a)(2)) (counts I through VII);
2. intentionally killed J.S. (18 U.S.C. § 3591(a)(2)(A)) (counts I, II, V, and VI);
3. intentionally killed T.S. (18 U.S.C. § 3591(a)(2)(A)) (counts III, IV, V, and VII);



4. intentionally inflicted serious bodily injury that resulted in the death of J.S. (18 U.S.C. § 3591(a)(2)(B)) (counts I, II, V, and VI);
5. intentionally inflicted serious bodily injury that resulted in the death of T.S. (18 U.S.C. § 3591(a)(2)(B)) (counts III, IV, V, and VII);
6. intentionally participated in an act, contemplating that the life of a person other than the defendant would be taken, or that lethal force would be used in connection with a person other than the defendant, and J.S. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)) (counts I, II, V, and VI);
7. intentionally participated in an act, contemplating that the life of a person other than the defendant would be taken, or that lethal force would be used in connection with a person other than the defendant, and T.S. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)) (counts III, IV, V, and VII);
8. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person other than the defendant, such that participation in the act constituted a reckless disregard for human life, and J.S. died as a

direct result of the act (18 U.S.C. § 3591(a)(2)(D)) (counts I, II, V, and VI); and

9. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person other than the defendant, such that participation in the act constituted a reckless disregard for human life, and T.S. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)) (counts III, IV, V, and VII).

B. The Grand Jury realleges and incorporates by reference the allegations in counts I through VII as if fully set forth herein. The Grand Jury further alleges that the defendant, JESUS YEIZON DENIZ MENDOZA, with respect to the counts specified after each allegation:

1. knowingly created a grave risk of death to one or more persons in addition to the victims of the offenses in the commission of the offenses and in escaping apprehension for the violation of the offenses (18 U.S.C. § 3592(c)(5)) (counts I through VII);
2. committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8)) (counts I through VII); and

3. intentionally killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)) (counts I through VII).

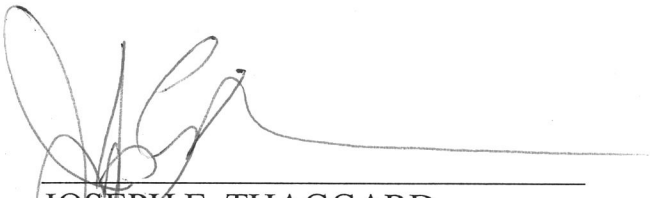
A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON



MICHAEL W. COTTER  
United States Attorney



JOSEPH E. THAGGARD  
Criminal Chief Assistant U.S. Attorney

Crim. Summons \_\_\_\_\_

Warrant: USMS Custody

Bail: \_\_\_\_\_